



- 1 c. **[Alternatively, Dismissal Due to the Arbitration Agreement]** The Complaint is  
2 dismissed under Rule 12(b)(1) and/or 9 U.S. Code § 2-3 for breach of an arbitration  
3 agreement.
- 4 d. **[Alternatively, Dismissal for Forum Non Conveniens]** The Complaint is dismissed  
5 for reason of *forum non conveniens* in favour of the Federal Court of Canada.
- 6 e. **[Alternatively, Dismissal for Expiry of the One-Year Limitation Period]** The  
7 Complaint is dismissed with prejudice under Rule 12(b)(6) for reason of expiry of the  
8 limitation period.
- 9 f. **[Alternatively, Dismissal for Failure to State Claim]** Counts II, IV, and VI in the  
10 Complaint are dismissed under Rule 12(b)(6) for failure to state a claim.

11 **IT IS SO ORDERED.**

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13 Dated: \_\_\_\_\_

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15 WILLIAM H. ORRICK  
16 United States District Judge  
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